

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

KAREN STIPE,)
)
Petitioner,)
)
v.) No. 4:09MC138 HEA
)
COMMISSIONER OF INTERNAL)
REVENUE,)
)
Respondent.)

ORDER

This matter is before the Court on petitioner's motion to quash subpoena duces tecum. The motion will be denied for lack of jurisdiction.

Petitioner moves the Court to quash a subpoena issued by the United States Tax Court in Washington D.C. The subpoena is addressed to Bank of America in Fort Lauderdale, Florida.

Under Rule 45 of the Federal Rules of Civil Procedure, a motion to quash must be addressed to the court that issued the subpoena. Fed. R. Civ. P. 45(c)(3); *see Kearney for Kearney v. Jandernoa*, 172 F.R.D. 381, 383 (N.D. Ill. 1997) (“a motion to quash, under Rule 45(c)(3)(A), must be filed and decided in the court from which the subpoena issued.”); *see also In re Digital Corp.*, 949 F.2d 228, 230-31 (8th Cir. 1991)

(applying same rule as to Rule 45(d)). As a result, this Court lacks jurisdiction to grant the motion, and the motion will be denied.

Accordingly,

IT IS HEREBY ORDERED that plaintiff's motion to quash is **DENIED**.

IT IS FURTHER ORDERED that plaintiff's motion to proceed in forma pauperis is **GRANTED**.

Dated this 8th Day of May, 2009.



HENRY EDWARD AUTREY
UNITED STATES DISTRICT JUDGE